

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to
Investigate Proposed Amendments
To the Framework for Integrated
Resource Planning.

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) Docket No. 2009-0108
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PUBLIC UTILITIES
COMMISSION

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**KAUAI ISLAND UTILITY COOPERATIVE'S
RESPONSES TO INFORMATION REQUESTS**

and

CERTIFICATE OF SERVICE

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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Resource Planning.)	
_____)	

**KAUAI ISLAND UTILITY COOPERATIVE'S
RESPONSES TO INFORMATION REQUESTS**

KAUAI ISLAND UTILITY COOPERATIVE ("KIUC"), by and through its attorneys, Morihara Lau & Fong LLP, hereby submits its Responses to Information Requests consistent with the Order Approving the Stipulated Procedural Order, as Modified.¹

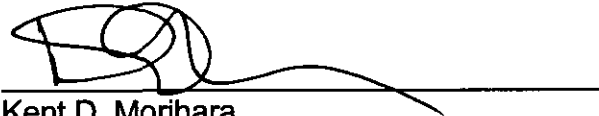
KIUC provides responses to the information requests issued to KIUC from the following parties:

1. Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., and Maui Electric Company, Limited,
2. The Department of Business, Economic Development, and Tourism,
3. The Hawaii Renewable Energy Alliance,
4. The Hawaii Solar Energy Association,
5. The Counties of Hawaii, Kauai, and Maui, and

¹ See Order Approving the Stipulated Procedural Order, as Modified, issued on September 23, 2009.

6. JW Marriott Ihilani Resort & Spa, Waikoloa Marriott Beach Resort & Spa, Maui Ocean Club, Wailea Marriott, and Marriott Hotel Services, Inc., on behalf of Kauai Marriott Resort & Beach Club.

DATED: Honolulu, Hawaii, November 25, 2009.

A handwritten signature in black ink, appearing to read 'Kent D. Morihara', is written over a horizontal line.

Kent D. Morihara
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COOPERATIVE

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S
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DBEDT-IR-1-KIUC Please identify the specific provisions or sections in HECO's proposed CESP framework that KIUC believes are not applicable to its situation, and explain why not. Please provide KIUC's recommended changes to these provisions for KIUC's situation, if any.

RESPONSE: KIUC is not yet in a position to determine all of the specific provisions or sections in HECO's proposed CESP framework that should not apply to KIUC, or, as a result, any specific recommended changes to those provisions. As mentioned in the April 28, 2009 letter submitting HECO's proposed CESP framework, the proposed CESP framework contains a provision that would allow KIUC to seek a waiver or exemption from any or all portions of the CESP framework after the framework was established for HECO.

This said, the following provides a general discussion of (1) the portions of HECO's proposed CESP Framework that KIUC believes do not or should not apply to KIUC, and (2) other differences between KIUC and HECO that are not adequately taken into consideration in light of the fact that the proposed framework had

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DBEDT-IR-1-KIUC (cont.)

contemplated KIUC seeking a waiver or exemption after the framework was established for HECO:

- HECO's proposed CESP framework contains many references to and provisions from the October 20, 2008 Energy Agreement between the State of Hawaii and HECO to which KIUC is not a party of nor subject to. Any framework that would apply to KIUC should not include any reference to said Energy Agreement or should make it clear that KIUC is not subject to said Agreement.
- HECO's proposed CESP framework contains references and provisions pertaining to the Competitive Bidding Framework and the Public Benefits Fee ("PBF") administrator. Unlike HECO, KIUC is exempt from the Competitive Bidding Framework (see Order filed on March 14, 2007 in Docket No. 03-0372) and is not subject to PBF administration of energy efficiency programs (see Decision and Order No. 23258, filed on February 13, 2007, in Docket No. 05-0069). As such, any framework that would apply to KIUC should not include any reference to these requirements or should make it clear that KIUC is not subject to said requirements.

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DBEDT-IR-1-KIUC (cont.)

- The ownership differences between HECO and KIUC, and how these differences impact each respective utility's planning requirements and obligations, are not fully considered and accounted for in HECO's proposed CESP framework. As a member-owned cooperative, KIUC's owners and customers (known as members) are essentially one and the same, and as such certain inherent conflicts that naturally exist between owners and customers do not exist for a cooperative. For example, as a member-owned cooperative, KIUC's Board of Directors is elected by these owners/customers to represent their voice and to set forth the policies and direction of the cooperative. This is very different than in an investor-owned utility, where generally the Board of Directors is appointed by the shareholders to represent the interests of those shareholders. Any CESP framework that would apply to KIUC should specifically set forth the role and involvement of this member-elected Board of Directors in the CESP process to ensure that any plan adequately represents the voice of KIUC's members and carries out the policies and direction of the cooperative.

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DBEDT-IR-1-KIUC (cont.)

- Another difference with KIUC is that, similar to many cooperatives throughout the nation, KIUC already undergoes an extensive planning process through the development of an Equity Management Plan ("EMP"). An EMP is a planning tool used by many electric cooperatives to determine an appropriate balance between near and long-term rate impacts and objectives, equity levels and other goals and objectives of the cooperative. KIUC's EMP provides a comprehensive overview and discussion of the financial planning for KIUC. This plan is used to establish a financial roadmap for KIUC by attempting to balance the needs and objectives of KIUC's members, lenders and regulators. In doing so, the EMP attempts to achieve an optimum balance between the sometimes conflicting interests between (1) a member's strategic interest in patronage capital refunds that in effect lowers the cost of electric energy to each member, (2) equity targets, (3) lender covenants and requirements, (4) capital expenditures to construct renewable energy generation technologies and reduce reliance on high-cost fossil fuels, and (5) capital expenditures to maximize the

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generation efficiency of KIUC's existing fleet of fossil fuel fired generation.

- In addition, as a cooperative, KIUC is able to obtain financing at very favorable, generally below-market interest rates from its lender Rural Utilities Service ("RUS"). In order to obtain this financing, KIUC is required to follow and comply with various RUS requirements and directives, which include the preparation of a 20 year Load Forecast Study, 20 year Long Range Engineering Plan, and a 4 year Construction Work Plan. The planning efforts that are required and undertaken as part of the EMP, Load Forecast Study, Long Range Engineering Plan, and 4 year Construction Work Plan in many ways parallel, undertake, consider and accomplish many of the objectives that are designed to be accomplished by the CESP framework proposed by HECO. As a result, for any CESP framework that would apply to KIUC, KIUC believes that an extensive review is required to determine how KIUC's EMP, Load Forecast Study, Long Range Engineering Plan and 4 year Construction Work Plan would be integrated as part of such a framework. Although KIUC has already developed two

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EMPs, with the most recent EMP completed in early 2009, KIUC is in the process of going through its first construction financing process with RUS, and as such is only now becoming familiar with the process and requirements imposed by RUS in order to obtain financing. To date, KIUC has submitted and has received approval from RUS of the Load Forecast Study, has filed the Long Range Engineering Plan with RUS, and has submitted and received approval of KIUC's T&D Construction Work Plan. A KIUC Generation and Headquarters Amendment 1 Construction Work Plan has been submitted to RUS but has not yet received approval.

Given the differences described above, the CESP framework proposed by HECO would not work for KIUC without likely significant and material changes. Simply put, HECO's proposed framework is too specific to HECO to also apply to KIUC.

However, this, in KIUC's view, raises a fundamental issue at this early stage in the proceeding as to whether a single framework that would apply to both KIUC and HECO is desirable, or whether under

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DBEDT-IR-1-KIUC (cont.)

the circumstances it may be best to create separate frameworks for KIUC and HECO in light of these differences.

If a single "one size fits all" framework is to be established that would apply to HECO and KIUC, KIUC needs direction as to how similar the CESP framework should be or will be to the intent of the existing IRP framework. As will be further discussed in our comments to NRRI, KIUC believes that the existing IRP framework established certain requirements and considerations for each utility to follow as part of their planning, but did so in a way that allowed each utility to determine how best to meet these requirements and considerations within the context of its own structure and other objectives or requirements imposed upon the utility, as well as to allow for changes in laws, interests, objectives and requirements over time. This allowed the IRP framework to survive and continue to apply to KIUC even after KIUC changed from an investor-owned utility to a member-owned cooperative in November 2002. In preparing its December 2008 IRP, KIUC was able to operate within the established IRP framework while at the same time having the flexibility to consider its cooperative principles, its member objectives, various uncertainties and scenarios, and its strategic

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DBEDT-IR-1-KIUC (cont.)

plan goal to exceed statutory RPS requirements by moving KIUC towards energy independence and decreased reliance on foreign imported oil by meeting at least 50% of KIUC's annual electricity sales with energy generated by renewable resources by 2023.

Given the above, if, despite these various differences between HECO and KIUC, a single framework will continue to apply to HECO and KIUC, then KIUC believes that the existing IRP framework should remain essentially intact, with only certain changes and updates to incorporate any established CESP principles and objectives but in a manner similar to the existing IRP framework that would not require a specific delineation between HECO and KIUC and their differing requirements and circumstances. If this is not accomplished, then, as the framework becomes more specific and the more it deviates from the existing IRP framework, the greater the chance that the framework will not sufficiently account for or address the unique differences, requirements and circumstances between KIUC and HECO as discussed above. For example, any mention of the Competitive Bidding Framework and the PBF Administrator as contained in HECO's proposed CESP framework would need to be revised to

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DBEDT-IR-1-KIUC (cont.)

not only reflect that it does not apply to KIUC, but may also need to set forth what alternative provisions or language should apply to KIUC. Similarly, the more the framework is revised to set forth the specific analyses and information that must be contained in the CESP itself, the more likely the framework may directly conflict with KIUC's EMP and the planning requirements imposed by RUS. This would then require further revisions to a "one size fits all" framework to clearly delineate how KIUC's EMP and planning requirements and efforts would interact with a CESP process to avoid conflicting requirements and results, but at the same time also clarify that these EMP and RUS planning requirements and efforts apply only to KIUC and not HECO. Given the scope of the differences between HECO and KIUC as discussed above, KIUC believes that this more specific approach would result in the need to create entirely different sections of the framework or entirely different frameworks altogether so that it is clear what applies to HECO and what applies to KIUC.

For the reasons discussed above, unless a more general and flexible approach similar to the existing IRP framework is followed, KIUC believes that the most efficient way to establish a framework

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DBEDT-IR-1-KIUC (cont.)

for KIUC is to allow KIUC, as contemplated by HECO's proposed CESP framework, to seek a waiver or exemption from any or all portions of the framework once it is established for HECO, or, alternatively, to allow KIUC to propose its own separate framework. As mentioned above, KIUC is currently in the process of working with RUS on its first construction financing request and as such is only now becoming familiar with the specific requirements that are imposed by RUS as to these planning documents. Allowing KIUC to seek a waiver or exemption or to instead submit its own framework at a later date would give KIUC the time it needs to fully flush out and determine the RUS planning requirements that KIUC must comply with and how those requirements would or should interact with any CESP framework that would apply to KIUC. KIUC also believes that this would be more efficient under the circumstances, as it could allow the Commission and the parties to first determine the framework that would apply to HECO, and to then separately determine what changes should be made to apply to KIUC. If this were all attempted at one time, it would result in having to review each proposed provision or addition to the framework, and then having to decide whether it applies to HECO and KIUC together; and if not, whether it should be revised to more

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DBEDT-IR-1-KIUC (cont.)

broadly apply to both; or, alternatively, whether separate provisions
or sections should be established for KIUC and HECO.

KIUC will be undertaking a further discussion of the above as part
of its comments to be submitted to NRRI.

SPONSOR: Michael Yamane
Timothy Blume

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DBEDT-IR-2-KIUC Are there any sections or provisions in the current IRP Framework that do not apply to KIUC in light of its ownership structure? If there are, please specify the sections or provisions, including the pages in the framework.

RESPONSE: See KIUC's response to DBEDT-IR-1-KIUC.

SPONSOR: Michael Yamane
Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
HAWAIIAN ELECTRIC COMPANIES' INFORMATION REQUEST**

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**HECO/KIUC-IR-1 Ref: NRRI Comments — III. Who Are the Appropriate
Participants in a CESP Process.**

On page 10, NRRI envisions many participants in the CESP process and states "With this diversity of participants, a neutral facilitator seems necessary." If the HECO Companies were to propose in the CESP Framework that the CESP process would have a neutral facilitator (similar to the role of an Independent Observer under the Framework for Competitive Bidding) leading all Advisory Committee meetings, public hearings, and observing the utilities' technical analyses, would that be an acceptable means for addressing the concerns over public participation and transparency in the CESP process?

RESPONSE: KIUC does not believe that a neutral facilitator in and of itself would assist in addressing any concerns over public participation and transparency in the CESP process unless specific requirements were placed upon the facilitator that would require the facilitator to provide notices to the public, solicit comments, and to make materials and information available for public viewing.

SPONSOR: Michael Yamane
 Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
HAWAII RENEWABLE ENERGY ALLIANCE'S INFORMATION REQUESTS**

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HREA-IR-1

In its Preliminary Statement of Position ("PSOP"), HREA proposed a set of governing principles that were broken down into the three following categories: overall, resource selection and acquisition, and IRP process. These proposed principles are listed below without the explanatory text that was included in our PSOP, and edited for clarity:

- Overall IRP Goals are to:
 - Meet forecasted electrical energy demand (MW, MWHs) via demand- and supply-side resources over the IRP period.
 - Identify and meet state energy objectives, and comport with state and county environmental, health, and safety laws by formally adopting state and county plans.
 - Maintain and enhance electrical system reliability, safety and security to facilitate state energy objectives and policies.
- Resource Acquisition and Operation to:
 - Establish and maintain a "no regrets policy" for resource acquisition, e.g., energy efficiency, conservation, renewables and storage.
 - Phase out conventional fossil facilities.

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HREA-IR-1 (cont.)

- Establish and maintain preferred acquisition methods, e.g., net metering, feed-in tariffs, competitive bidding and non-bid contracts.
- Prioritize implementation of distribution generation over central generation.
- Design, modify, and operate the utility system to maximize the use of clean energy resources.
- Mitigate power outages after catastrophic events.
- IRP Process will include:
 - Ongoing, open, transparent, efficient and nimble.
 - Clear definition of roles, responsibilities and legal standing of all IRP participants.
 - A basic plan for a period of 20 years with an action plan of five or more years, annual reviews and flexible periods for major revisions every three to five years.
 - One plan for each island utility and an overall plan for the island chain.
 - Incorporation of appropriate analytical methodologies, such as discounted lifecycle analysis and clean energy scenario planning.

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HREA-IR-1 (cont.)

- Consideration of the plans' impacts upon the utility's consumers, the environment, local culture, community lifestyles, the State's economy, and society in general.
- All Parties' recovery of a portion up to all costs of their participation in IRP.

That said, do the Parties support the governing principles as proposed above? Given that HREA is seeking to establish the level of support for each of the principles, please respond with detail as to:

1. Those principles that can be supported (with or without comments), and
2. Those principles that cannot be supported (with comments).

Finally, the Parties are asked to suggest additional principles, as appropriate, with supporting comments.

RESPONSE: While HREA's proposed governing principles may in concept provide some valuable input into KIUC's development of its own governing principles, KIUC believes that ultimately its governing principles would be significantly influenced by its member-elected Board of Directors. To that end, KIUC is not able at this time to

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HREA-IR-1 (cont.)

specifically say whether or not it could support, in part or whole, the principles that have been proposed by HREA that are not currently embodied within the existing IRP framework. However, as a cooperative, KIUC could not agree in concept to any provision that would allow a party or intervener to recover the costs of their participation from KIUC's other members.

SPONSOR: Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
HAWAII SOLAR ENERGY ASSOCIATION'S INFORMATION REQUEST**

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HSEA-IR-1(a) Are there any jurisdictions or energy utilities that have adopted "scenario planning" that you contend is similar to the CESP proposal? If yes, then please identify the jurisdictions or utilities and explain with specificity the similarities and differences between their scenario planning and the CESP proposal.

RESPONSE: Please note that KIUC does not currently have a CESP proposal. Although KIUC was a signatory to the April 28, 2009 letter to the Commission submitting a proposed CESP Framework, KIUC's only addition to that proposed CESP Framework was a provision that would allow KIUC to seek a waiver or exemption from any or all portions of the framework once it was established. See the April 28, 2009 letter and KIUC's response to DBEDT-IR-1-KIUC for a further discussion. KIUC is currently not aware of what jurisdictions or electric utilities may have adopted a "scenario planning" process that is similar to the one submitted as part of the April 28, 2009 letter.

HSEA-IR-1(b) Please provide any and all documents relating to the response to IR-1(a) above.

RESPONSE: Not applicable. See the response to HSEA-IR-1(a) above.

SPONSOR: Michael Yamane
Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
HAWAII SOLAR ENERGY ASSOCIATION'S INFORMATION REQUEST**

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HSEA-IR-2(a) Are there any jurisdictions or energy utilities that have adopted "Locational Value Maps" that you contend are similar to those in the CESP proposal? If yes, then please identify the jurisdictions or utilities and explain with specificity the similarities and differences between their Locational Value Maps and those in the CESP proposal.

RESPONSE: See KIUC's response to HSEA-IR-1(a). KIUC is currently not aware of what jurisdictions or energy utilities have adopted Locational Value Maps.

HSEA-IR-2(b) Please provide any and all documents relating to the response to IR-2(a) above.

RESPONSE: Not applicable. See the response to HSEA-IR-2(a) above.

SPONSOR: Michael Yamane
Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
HAWAII SOLAR ENERGY ASSOCIATION'S INFORMATION REQUEST**

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HSEA-IR-3(a) Are there any jurisdictions or energy utilities that have adopted "Clean Energy Investment Zones" that you contend are similar to those in the CESP proposal? If yes, then please identify the jurisdictions or utilities and explain with specificity the similarities and differences between their Clean Energy Investment Zones and those in the CESP proposal.

RESPONSE: See KIUC's response to HSEA-IR-1(a). KIUC is currently not aware of what jurisdictions or energy utilities have adopted Clean Energy Investment Zones.

HSEA-IR-3(b) Please provide any and all documents relating to the response to IR-3(a) above.

RESPONSE: Not applicable. See the response to HSEA-IR-3(a) above.

SPONSOR: Michael Yamane
Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
HAWAII SOLAR ENERGY ASSOCIATION'S INFORMATION REQUEST**

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HSEA-IR-4(a) Are there any jurisdictions under which approvals in a "scenario planning" or IRP proceeding "elevate the status of the preferred resources identified in the [plan]...to give them a presumption of need in any subsequent siting proceeding," as proposed in § II.D.2 of the CESP proposal? If yes, then please identify those jurisdictions.

RESPONSE: See KIUC's response to HSEA-IR-1(a). KIUC is currently not aware of what other jurisdictions have allowed approvals in a scenario planning or IRP proceeding to elevate the status of the preferred resources identified in the plan to give them a presumption of need in any subsequent siting proceeding. Having said this, however, KIUC notes that Section III.D.5 of the existing Commission-approved 1992 IRP framework provides that the "integrated resource plan and program implementation schedule approved by the commission shall govern all utility expenditures for capital projects, purchased power, and demand-side manage programs."

HSEA-IR-4(b) Please provide any and all documents relating to the response to IR-4(a) above.

RESPONSE: See the response to HSEA-IR-4(a) above.

SPONSOR: Michael Yamane
Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
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HSEA-IR-5 Please define with specificity which "subsequent siting proceeding(s)" you propose to be governed by the "presumption of need" under § II.D.2 of the CESP proposal.

RESPONSE: See KIUC's response to HSEA-IR-1(a). KIUC does not know what the HECO companies intended with respect to subsequent siting proceedings. However, we assume that this would apply to either a capital expenditure filing under Section 2.3.g.2 of General Order No. 7 or an application/filing required under Hawaii Revised Statutes §§ 269-27.5 or 27.6.

SPONSOR: Michael Yamane
 Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
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HSEA-IR-6 Please describe and explain with specificity what is meant and intended by the term "high level" or "higher level" planning in the CESP proposal (See, e.g., § II.D.3 and IV.J.1) and how exactly it differs from the level of planning under previous IRP proceedings.

RESPONSE: See KIUC's response to HSEA-IR-1(a). KIUC does not know what the HECO companies meant with respect to the terms "high level" or "higher level" and how that was intended to differ from the level of planning in previous IRP proceedings.

SPONSOR: Michael Yamane
 Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
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HSEA-IR-7 Please describe and explain with specificity any and all actual differences between the method of analysis employed under the last IRP proceeding (aka "IRP-4") and the proposed method of analysis under the CESP proposal.

RESPONSE: See KIUC's response to HSEA-IR-1(a). With respect to HSEA's reference to IRP-4, we assume that was intended to apply to HECO's last IRP proceeding, which KIUC was not a part of. KIUC's last IRP proceeding occurred under its predecessor Kauai Electric in the latter 1990s.

SPONSOR: Michael Yamane
 Timothy Blume

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HSEA-IR-8(a) Please identify, describe and explain with specificity the "certain utility planning requirements imposed upon KIUC by its lender, the Rural Utilities Service" referenced in the April 28, 2009 letter from the HECO Companies, KHJC, and CA to the PUC, which you contend are potentially relevant in this proceeding.

RESPONSE: See KIUC's response to DBEDT-IR-1-KIUC.

HSEA-IR-8(b) Please provide any and all documents relating to the response to IR-8(a) above.

RESPONSE: See KIUC's response to DBEDT-IR-1-KIUC. KIUC will also be providing a further discussion on this matter in its comments to be submitted to NRRI.

SPONSOR: Michael Yamane
Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSES TO
COUNTIES OF HAWAII, KAUAI, AND MAUI'S INFORMATION REQUEST**

DOCKET NO.: 2009-0108

COUNTIES-KIUC-IR-1

REF: KIUC PSOP Page 7-C.

KIUC has indicated that KIUC is not subject to the use of a PBF Administrator to administer KIUC's energy efficiency programs pursuant to Decision and Order No. 23258 filed on February 13, 2007 in Docket No. 05-0069. Would KIUC be open to working collaboratively with the third party PBF Administrator and the HECO companies regarding information sharing on energy efficiency programs if the PUC's contract with the Administrator allowed such collaboration?

RESPONSE:

Yes.

SPONSOR:

Michael Yamane
Timothy Blume

**KAUAI ISLAND UTILITY COOPERATIVE'S RESPONSE TO
KAUAI MARRIOTT RESORT & BEACH CLUB'S INFORMATION REQUEST**

DOCKET NO.: 2009-0108

MAR-IR-001 Please provide a complete copy of all of your responses to all information requests filed by any party or participant in these proceedings. This request applies to information requests that have already been filed and to information requests that are filed in the future.

RESPONSE: KIUC will provide a copy of all responses and attachments to any information requests it files in this proceeding to Kauai Marriott and all other parties/participants in this proceeding at the same date and in the same manner it provides its responses to the party issuing the information requests.

SPONSOR: Michael Yamane
Timothy Blume

CERTIFICATE OF SERVICE

I (we) hereby certify that the foregoing document was duly served on the following Parties and Participants, as set forth below:

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